

OILS

4872. Adulteration and misbranding of olive oil. U. S. v. Peter J. DeVine. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 6426. Sample No. 40474-E.)

On May 8, 1942, the United States attorney for the District of Delaware filed an information against Peter J. DeVine, Wilmington, Del., alleging shipment on or about May 29, 1941, from the State of Delaware into the State of Pennsylvania of a quantity of olive oil that was adulterated and misbranded.

The article was alleged to be adulterated in that a product consisting essentially of cottonseed oil and containing little, if any, olive oil, had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded (1) in that the following statements in the labeling, "Imported Pure Olive Oil," "This Olive Oil is guaranteed to be Absolutely Pure Under any Chemical Analysis," "Italian Product Imported Virgin Olive Oil Superfine Brand Lucca Italy," and similar statements in Italian, were false and misleading when applied to an article consisting essentially of cottonseed oil, and containing little if any olive oil; (2) in that it was offered for sale under the name of another food, olive oil; (3) in that it was food in package form and its label failed to bear the name and place of business of the manufacturer, packer, or distributor; (4) in that the words, statements, and other information required by or under authority of law to appear on the label or labeling were not placed thereon in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the labeling contained representations in the Italian language and by reason thereof it purported to be prepared for Italian purchasers and the words, statements, and other information required by law to appear on the label or labeling did not appear thereon in the Italian language; and (5) in that the label failed to bear the common or usual name of the article, i. e., cottonseed oil.

On October 15, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$50.

4873. Adulteration and misbranding of oil. U. S. v. 36 Cartons of Oil (and 2 additional seizure actions against oil). Decrees of condemnation. One lot ordered released under bond to be relabeled. Remaining lots ordered sold. (F. D. C. Nos. 8670, 8866, 8884. Sample Nos. 17416-F to 17418-F, incl., 18667-F to 18669-F, incl., 18671-F.)

These products were artificially colored and, in most instances, artificially flavored imitations of olive oil. Portions were labeled as olive oil.

On October 30 and November 19 and 20, 1942, the United States attorney for the District of Connecticut filed libels against 130 1-gallon cans of a product labeled "Olive Oil," and 230 1-gallon cans of a product labeled "Exquisite Oil" or "Fine Oil," in various lots at Bethany, Waterbury, and New Britain, Conn., respectively, alleging that the articles had been shipped in interstate commerce within the period from on or about August 8 to October 17, 1942, by Pasquale Cerosuolo from New York, N. Y.; and charging that they were adulterated and misbranded. They were labeled in part: (Cans) "Roberta Brand Pure Olive Oil," "Puglia Brand Superfine Pure Olive Oil," "Pulcella Brand Guaranteed Pure Olive Oil," "Gioia Mia Brand Exquisite Oil Packed by Import Oil Co. New York, N. Y.," or "Extra Fine Oil Gioiosa Brand."

The lots labeled "Olive Oil" were alleged to be adulterated in that an oil or oils other than olive oil, artificially colored and in most instances artificially flavored, had been substituted wholly or in part for olive oil, which they purported to be. All of the lots of oil were alleged to be adulterated (1) in that inferiority had been concealed by the addition of artificial color, and, in most lots, artificial flavor; and (2) in that artificial color and, in most lots, artificial flavor had been added thereto or mixed or packed therewith so as to make them appear better or of greater value than they were.

The portions of the product labeled "Olive Oil" were alleged to be misbranded (1) in that statements and designs in the labeling, which represented and suggested that they consisted of olive oil, were false and misleading since they did not consist of olive oil, but did consist essentially of oils other than olive oil; (2) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated. Portions of the oil labeled "Olive Oil" were alleged to be misbranded further in that they were in package form and failed to bear labels containing the name and place of business of the manufacturer, packer, or